

MINUTES OF REGULAR MEETING HELD SEPTEMBER 27, 2016

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, September 27, 2016 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 17, 2015. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Skibitsky, Council Members Arena, LoGrippo, Loughlin, Della Fera, Donnelly, Oliveira, Stokes

ABSENT: Councilwoman Neylan

Invocation was given by Councilman Arena

PRESENTATIONS

Swearing in of Firefighters

APPOINTMENT

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2067 – “AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD CHAPTER 13”.

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, GENERAL ORDINANCE NO. 2067 – “AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD CHAPTER 13”.

Introduced by Councilman Della Fera, seconded by Councilman LoGrippo, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Arena
LoGrippo
Loughlin
Della Fera
Donnelly
Oliveira
Mayor Skibitsky

Nays:

Absent: Neylan

BIDS

TOWN OF WESTFIELD

INVITATION TO BID

WEDNESDAY, September 21, 2016

2016 COLLECTION OF LEAVES

<u>Bidder</u>	<u>Amount of Bid</u>
Messercola Excavating Co., Inc	Part A – 1 Unit @ \$95.00/hr
549 E 3 rd Street	
Plainfield, NJ 07060	
Jesco, Inc.	Part B – 6 Units @ \$55.00/hr
118 St. Nicholas Avenue	
South Plainfield, NJ 07080	
Camarato Trucking Corporation	Part A – 4 Units @ \$84.95/hr
15 Greensview Drive	
Scotch Plains, NJ 07076	
B & B Disposals LLC	Part A – 2 Units @ \$84.95/hr
470 Hillside Avenue	
Hillside, NJ 07205	
Jersey Mulch Products LLC	Part A – 3 Units @ \$109.00/hr
48 Old Jacksonville Road	Part B – 6 Units @ \$84.00/hr
Towaco, NJ 07082	

TOWN OF WESTFIELD

INVITATION TO BID

WEDNESDAY, September 21, 2016

2016 IMPROVEMENT OF FIRST STREET

<u>Bidder</u>	<u>Amount of Bid</u>
AA Berms LLC	\$134,882.25
106 Mill Street	
Belleville, NJ 07009	
Seacoast Construction. Inc	\$172,250.00
15 Addington Court	
East Brunswick, NJ 08816	
Granada Construction	\$172,980.00
147 Thomas Street	
Newark, NJ 07114	
Top Line Construction Corp.	\$128,630.56
22 Fifth Street	
Somerville, NJ 08876	
Fischer Contracting Inc.	\$112,430.25
10 Short Hills Lane	
Scotch Plains, NJ 07076	
Stanziale Construction Corporation LLC	\$259,994.00
PO BOX 2597	

Bloomfield, NJ 07003	
Z Brothers Concrete Contractors, LLC	\$115,320.50
304 Jernee Mill Road	
Sayreville, NJ 08872	
Cifelli & Son General Contracting Inc	\$119,865.00
81 Franklin Avenue	
Nutley, NJ 07110	
Reivax Contracting	\$114,330.00
356 Thomas Street	
Newark, NJ 07114	
Black Rock Enterprises, LLC	\$135,426.33
1316 Englishtown Road	
Old Bridge, NJ 08857	

MINUTES

On a motion by Councilman Stokes seconded by Councilman Loughlin, Council approved the Minutes of the Town Council Conference Session held September 13, 2016 Mayor Skibitsky and Council members Neylan, Donnelly, Oliveira abstaining.

On a motion by Councilman LoGrippe, seconded by Councilman Stokes, Council approved the Minutes of the Town Council Meeting held September 13, 2016 with Mayor Skibitsky and Council members Neylan, Donnelly, Oliveira abstaining.

PETITIONS AND COMMUNICATIONS

Councilman Della Fera read a letter from New Jersey Municipal Management Association which congratulated the town for continuing to maintain its AAA Bond Rating. The letter indicated that Westfield is one of only seventeen municipalities in the state that have a AAA Bond Rating.



Municipal Managers: Professionals in Government

September 20, 2016

The
Honorable
Andy
Skibitsky
Mayor

Town of Westfield

Westfield Town Hall,
425 East Broad Street
Westfield, NJ07090

Dear Mayor Skibitsky:

As President of the New Jersey Municipal Management Association (NJMMA), I represent managers and administrators throughout the state. Our organization supports and promotes professionalism in municipal management.

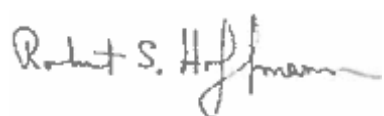
I would like to congratulate the Town of Westfield's achievement on receiving a AAA credit rating from Standard & Poor's. This is the highest credit rating that a municipality can earn and is a distinction shared by only 16 other municipalities in the State of New Jersey, as of October 15, 2015. It should be noted that like the Town of Westfield, all of these AAA rated communities are served by Administrators and Managers who are members of the NJMMA. To earn this rating, Westfield Town has satisfied the strict long term ratings criteria of Standard & Poor's among which, sound professional management is a key component.

The reward of a AAA rating not only reflects strong economic conditions and wise financial management, but is a recognition of the professional management of the Town of Westfield and the enlightened leadership provided by you and the Town Council. It is also a reflection of the outstanding stewardship of Town Administrator James Gildea.

Those who lead the Town of Westfield have recognized the value of municipal governance that places a premium on professionalism. In doing so you have justifiably earned the tangible long term benefits that accompany this approach. All Town of Westfield taxpayers benefit from the efforts of Mr. Gildea, past Governing Bodies and the current Mayor and Council to take a long term approach to fiscal integrity. Both the Town and its residents will save money now and in the future due to the professionalism of the Town's staff and elected officials.

Congratulations and continued success to the Town of Westfield on obtaining a AAA credit rating.

Sincerely,



Robert S.
Hoffmann
President

C: Members of the Westfield Town
 Council James Gildea, Township
 Administrator NJMMA Executive
 Board and Director

17 Municipalities that are currently AAA rated

1 Town of Westfield	30,316
2 Township of Branchburg	14,459
3 Borough of Chatham	8,962
4 Borough of Florham Park	11,696
5 Borough of Franklin Lakes	10,590
6 Borough of Madison	15,845
7 Township of Mahwah	25,890
8 Township of Montclair	37,669
9 Township of Montville	21,528
10 Township of Morris	22,306
11 Borough of New Providence	12,171
12 Borough of Oakland	12,754
13 Borough of Paramus	26,342

14 Township of Plainsboro	22,999
15 City of Summit	21,457
16 Borough of Upper Saddle River	8,208
17 Township of Wayne	54,717

OPEN DISCUSSION BY CITIZENS

BILLS AND CLAIMS

Introduced by Councilman Arena, seconded by Councilman LoGrippe were adopted unanimously.

RESOLVED that the bills and claims in the amount of \$822,784.53 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilman Arena seconded by Councilman Donnelly were unanimously adopted.

(212) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$31.80 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of August 2016.

(213) RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the order of the following persons, this amount being taxes overpaid in 2016:

<u>BLOCK/LOT</u>	<u>PROPERTY ADDRESS</u>	<u>AMOUNT</u>
2003/47	5 Karen Terrace	\$781.03
AMIL, Sigrid		

(214) WHEREAS, Elshiekh Enterprises, LLC placed the required cash bond of \$500.00 to cover Road Opening Permit #15-177 for 403 Prospect Street, and

WHEREAS, Elshiekh Enterprises, LLC has requested that this amount be returned, and

WHEREAS, the Town Engineer, has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Elshiekh Enterprises, LLC for \$500.00 and forward to 12 Via Vitale, Kenilworth, NJ 07033.

(215) BE IT RESOLVED that the appropriate Town Officials are hereby authorized to sign the contract for animal control services between Animal Control Solutions LLC and the Town of Westfield for the period of January 1, 2017 through January 1, 2019.

(216) WHEREAS, it is the policy of the Town of Westfield to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to the Federal Civil Rights Act of 1964, as subsequently amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Town Council of the Town of Westfield has determined that there is a continuing need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that the Personnel Policies and Procedures Manual is hereby adopted.

BE IT FURTHER RESOLVED that the personnel policies and procedures shall apply to all Town officials, appointees and employees. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that the Personnel Policies and Procedures manual is intended to provide guidelines covering public service by Town employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Town Council.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Town of Westfield shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the firm of Apruzzese, McDermott, Mastro & Murphy, P.C. (Frederick Danser, Esq.) has been previously appointed as Employment Attorney to advise the Town in personnel matters.

BE IT FURTHER RESOLVED that the Town Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Employment Attorney shall assist the Town Administrator in the implementation of the policies and procedures in this manual.

(217) BE IT RESOLVED that the Mayor and appropriate town officials are hereby authorized to sign the Interlocal Agreement for Leaf Collection Services between the Township of Scotch Plains and the Town of Westfield.

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Della Fera seconded by Councilman LoGrippe were unanimously adopted.

(218) WHEREAS, CHEZ CATHERINE RESTAURANT LLC, 431 North Avenue West, Westfield, NJ has applied to the Town Council of the Town of Westfield for a person-to-person transfer of Plenary Retail Consumption License No.2020-33-024-006 which is an active license from the present holder of said license, Chex Catherine, Inc.; and

WHEREAS, CJEZ CATHERINE RESTAURANT LLC has advertised such proposed transfer as required by law in *THE WESTFIELD LEADER*, these advertisements appearing on August 11 and August 18, 2016; and

WHEREAS, the application has been reviewed by the Town Attorney and the Town Council as well as the Department of Law and Public Safety, Division of Alcoholic Beverage Control and the Westfield Police Department prior to the adoption of this Resolution; and

WHEREAS, the Westfield Police Department of the Town of Westfield has made a thorough investigation on its own initiative concerning this transfer and the proposed transferees; and

WHEREAS, the Town of Westfield finds that for the reasons set forth on the record that the transfer of Plenary Retail Consumption License No. 2020-33-024-006 be approved,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The submitted application form is complete in all respects.
2. The applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33.
3. The applicant has disclosed and the Town has reviewed the source of all funds used in the purchase of the license and the licensed business.

That the requested person-to-person transfer from CHEZ CATHERINE INC. to CHEZ CATHERINE RESTAURANT LLC of Plenary Retail Consumption License No. 2020-33-024-006 issued pursuant and subject to the provisions of Town Code Section 4-4, is hereby approved, effective as of October 3, 2016, and does hereby direct the Town Clerk/ABC Board Secretary to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to CHEZ CATHERINE RESTAURANT LLC effective October 3, 2016."

(219) WHEREAS, N.J.S.A. 33:1-12.39 requires that a Special Ruling be obtained from the Director of the Division of Alcoholic Beverage Control whenever a Class C license has not been actively used in connection with the operation of a licensed premises for two or more full license terms immediately preceding the license term for which renewal is sought; and

WHEREAS, Plenary Retail Consumption License No. 2020-33-028-005 has been inactive effective November 26, 2013 and therefore requires aforementioned approval; and

WHEREAS, on September 13, 2016 Plenary Retail License No. 2020-33-028-005 was inadvertently approved prior to receipt of the 12:39 approval; and

WHEREAS, a Special Ruling has been obtained by the license holder from the Director of the Division of Alcoholic Beverage Control for the license period of 2016-2017;

NOW, THEREFORE, BE IT RESOLVED that the application for the following liquor license renewal for the 2016-2017 licensing term be, and the same is hereby granted subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et seq:

PLENARY RETAIL CONSUMPTION LICENSE

UT Westfield, LLC

115 Elm Street

2020-33-028-005

(220) RESOLVED that the following applications for children's amusement devices be approved:

MRT Rental LLC

Pumpkin Fair

Benjamin Franklin School

1819 Route 35 South

October 22, 2016

700 Prospect Street

South Amboy, NJ 08878

700 Prospect Street

Westfield, NJ 07090

Public Works Committee

The following resolutions, introduced by Councilman Oliveira seconded by Councilman Arena were unanimously adopted.

(221) WHEREAS, a need exists for the contract rental of privately owned equipment for use by the Department of Public Works in the 2015 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, sealed bids were received on Wednesday, September 21, 2016, and

WHEREAS, the low bid received for Part A – Hauling from the Street, has been analyzed and found to be fair and reasonable for the rental of this service; and

WHEREAS, the low bid received for Part B – Loaders, has been analyzed and found to be fair and reasonable for the rental of this service, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Public Works account 137-246.

NOW THEREFORE BE IT RESOLVED, that the following contracts be awarded, and that the proper Town Officials be, and they are hereby, authorized to act as appropriate in the execution and discharge of this contract

PART A

CAMARATO TRUCKING INC.

15 Greenview Road Hauling from Street/Trucks w/operators (4) \$84.95/HR.
Scotch Plains, NJ 07067

B & B DISPOSALS Hauling from Street Trucks w/operators (2) \$84.95/HR
470 Hillside Avenue
Hillside, NJ 07205

PART B

JESCO, INC. Front End Loaders w/o Operators (6)\$55.00/HR.
1790 Route 38
Mount Holly, NJ 08060

(222) WHEREAS, sealed bids were received by the Town Clerk on September 21, 2016 for the Improvement of First Street, Westfield, New Jersey as authorized by S.O. 2203A, and

WHEREAS, the low bid, in the amount of \$128,680.25, submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2203A.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$112,430.25 be awarded to Fischer Contracting Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution or discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

Reports of Department Heads.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$112,059.00 for the month of August 2016 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$13,206.15 representing monies collected during the month of August 2016.

Report of David J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in August 2016 in the amount of \$5,725, and Permit Fees \$292.00 was received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$5,260.00 during the month of August 2016 was received, read, and ordered filed.

Upon motion by Councilman LoGrippo, seconded by Councilman Della Fera the meeting was adjourned at 8:36 p.m.

Claire J. Gray

Town Clerk